1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION 10 UNITED STATES OF AMERICA, CASE NO. 3:18-cr-00577-CRB 11 Plaintiff, [PROPOSED] ORDER GRANTING 12 **DEFENDANT STEPHEN** 13 CHAMBERLAIN'S MOTIONS FOR VS. **ISSUANCE OF RULE 17 SUBPOENAS** AND LETTERS ROGATORY (ECF MICHAEL RICHARD LYNCH AND 14 STEPHEN KEITH CHAMBERLAIN NOS. 81 & 87) 15 Defendants. Date: December 1, 2021 Time: 1:30 p.m. 16 Crtrm.: 6 17 Assigned to Hon. Charles R. Brever 18 19 20 21 22 23 24 25 26 27 28

3763407.1

[PROPOSED] ORDER 2 Good cause having been shown, the Court GRANTS Defendant Stephen 3 Chamberlain's Motion for Issuance of Supoenas Pursuant to Federal Rule of Criminal Procedure 17(c) and Letters Rogatory Pursuant to 28 U.S.C. § 1781 Relating to Daud 4 5 Khan and Paul Morland (ECF No. 81); and Motion for Issuance of Subpoenas to Reena Prasad, Percy Tejeda, and Ganesh Vaidyanathan Pursuant to Federal Rule of Criminal 6 Procedure 17(c) (ECF No. 87). 7 8 The Court HEREBY ISSUES the subpoenas and letters rogatory attached to this 9 order. 10 The Court ORDERS the Clerk of the Court to transmit the letters rogatory (Exhibits 11 10 through 12) along with a copy of the Second Superseding Indictment, via both 12 registered mail and email to the U.K. Central Authority at the following address: 13 **UK Central Authority** International Criminality Unit Home Office 14 3rd Floor Seacole Building 2 Marsham Street 15 London SW1P 4DF UKCA-ILOR@homeoffice.gov.uk 16 17 The Court further ORDERS the Clerk of the Court to notify counsel of record when 18 the letters rogatory have been transmitted, and to promptly advise counsel of record of any 19 response received. 20 21 DATED: Honorable Charles R. Breyer United States District Court Judge 22 Northern District of California 23 24 25 26 27 28

UNITED STATES OF AMERICA,

### United States District Court

### NORTHERN DISTRICT OF CALIFORNIA

SUBPOENA TO PRODUCE

	Plaintiff,	DOCUMENTS IN A CRIMINA		
v.		Case No.: 3:18-0	er-00577-CRB	
Michael Richard Lynch and	Stephen Keith Chambe	erlain,		
	Defendant(s).			
TO: Reena Prasad				
below. If compliance would	d be unreasonable or opp	, date, and time specified the pressive, you may file a moti amera, or to permit production	on requesting the cour	t to quash or
PLACE  Substitute U.S. Courthouse  450 Golden Gate Ave.  San Francisco, CA 94102  If the document(s) or object the clerk's office or to the substitute Court of the substitute	issuing attorney whose i	☐ U.S. Courthouse 3140 Boeing Ave. McKinleyville, CA 95519  ance of the date specified, either and address appears be coduced:	□ U.S. Courthouse 1301 Clay Street Oakland, CA 94612 her to the court in an e elow, no appearance i	COURTROOM/JUDGE 6/Hon. Charles R. Breyer DATE AND TIME 45 days from receipt nvelope delivered to is necessary.
documents to a criminal pr production of state law enf	oceeding, must use Fore	of a witness to testify at a crim CAND 89A, Subpoena to complaint records (CAND 89 a Criminal Case) are available	Testify in a Criminal ( PC, Subpoena to Prod	Case) or for the uce State Law
U.S. MAGISTRATE JUDGE OI	R CLERK OF COURT	DATE		
(By) Deputy Clerk				
ATTORNEY'S NAME, ADDRI	ESS AND PHONE NUMBER	l R:		

Gary S. Lincenberg; Bird Marella Boxer Wolpert Nessim Drooks Lincenberg & Rhow PC; 1875 Century Park East, 23rd Floor, Los Angeles, CA 90067-2561; (310) 201-2100; glincenberg@birdmarella.com

### Case 3:18-cr-00577-CRB Document 94-1 Filed 11/29/21 Page 5 of 47

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

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#### Case 3:18-cr-00577-CRB Document 94-1 Filed 11/29/21 Page 6 of 47

#### **ATTACHMENT 1**

Within 45 days of receiving this subpoena, please produce the materials described below to the chambers of Judge Charles R. Breyer, U.S. Courthouse, 450 Golden Gate Ave, San Francisco, CA 94102.

- 1. Written communications from March 1, 2009 through December 31, 2010, including but not limited to emails, text messages, and messages on chat applications and/or social media platforms, relating to Autonomy Corporation PLC ("Autonomy") and/or Stephen Chamberlain, between you and (a) Matthew Stephan, (b) Percy Tejeda, (c) Ganesh Vaidyanathan, and/or (d) Brent Hogenson.
- 2. Written communications relating to your testimony before the Grand Jury on November 1, 2018.
- 3. Personal records of phone calls between you and Matthew Stephan, Percy Tejeda, Ganesh Vaidyanathan and/or Brent Hogenson from July 1, 2010 through August 31, 2010.
- 4. Any personal notes, memoranda, journal entries, or other documents in your possession, custody or control concerning Stephen Chamberlain.

UNITED STATES OF AMERICA,

### United States District Court

### NORTHERN DISTRICT OF CALIFORNIA

SUBPOENA TO PRODUCE

	Plaintiff,	IN A CRIMINA		
v.		Case No.: 3:18-c	r-00577-CRB	
Michael Richard Lynch and	Stephen Keith Chamber	·lain,		
	Defendant(s).			
TO: Percy Tejeda				
YOU ARE COMMANDED below. If compliance would modify the subpoena, to rev	be unreasonable or opp	ressive, you may file a moti	on requesting the cour	t to quash or
PLACE  ☑ U.S. Courthouse 450 Golden Gate Ave.	☐ U.S. Courthouse 280 South First St.	☐ U.S. Courthouse 3140 Boeing Ave.	☐ U.S. Courthouse 1301 Clay Street	COURTROOM/JUDGE 6/Hon. Charles R. Breyer
San Francisco, CA 94102	San Jose, CA 95113 McF	McKinleyville, CA 95519	Oakland, CA 94612	DATE AND TIME 45 days from receipt
If the document(s) or object the clerk's office or to the i	(s) are produced in adva ssuing attorney whose n	nce of the date specified, eith ame and address appears b	her to the court in an e elow, no appearance i	nvelope delivered to
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documents to a criminal proportion of state law enf	oceeding, must use Form orcement personnel or co	f a witness to testify at a crimal CAND 89A, Subpoena to a complaint records (CAND 89) are available of the criminal Case are available.	Testify in a Criminal ( PC, Subpoena to Prodi	Case) or for the uce State Law
U.S. MAGISTRATE JUDGE OF	CLERK OF COURT	DATE		
(Da) Danista Clada				
(By) Deputy Clerk				
ATTORNEY'S NAME, ADDRE	SS AND PHONE NUMBER	:		

Gary S. Lincenberg; Bird Marella Boxer Wolpert Nessim Drooks Lincenberg & Rhow PC; 1875 Century Park East, 23rd Floor, Los Angeles, CA 90067-2561; (310) 201-2100; glincenberg@birdmarella.com

### Case 3:18-cr-00577-CRB Document 94-1 Filed 11/29/21 Page 9 of 47

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

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#### Case 3:18-cr-00577-CRB Document 94-1 Filed 11/29/21 Page 10 of 47

#### **ATTACHMENT 1**

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- 1. Written communications from March 1, 2009 through December 31, 2010, including but not limited to emails, text messages, and messages on chat applications and/or social media platforms, relating to Autonomy Corporation PLC ("Autonomy") and/or Stephen Chamberlain, between you and (a) Reena Prasad, (b) Matthew Stephan, (c) Ganesh Vaidyanathan, and/or (d) Brent Hogenson.
- 2. Written communications relating to your testimony before the Grand Jury on November 1, 2018.
- 3. Personal records of phone calls between you and Reena Prasad, Matthew Stephan, Ganesh Vaidyanathan and/or Brent Hogenson from July 1, 2010 through August 31, 2010.
- 4. Any personal notes, memoranda, journal entries, or other documents in your possession, custody or control concerning Stephen Chamberlain.

## UNITED STATES DISTRICT COURT

### NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	SUBPOENA TO PRODUCE		
Plaintiff,	DOCUMENTS OR OBJECTS IN A CRIMINAL CASE		
v.	Case No.: 3:18-cr-00577-CRB		
Michael Richard Lynch and Stephen Keith Chamberlain,			
Defendant(s).			
TO: Ganesh Vaidyanathan			
YOU ARE COMMANDED to produce at the place, date, an below. If compliance would be unreasonable or oppressive, modify the subpoena, to review the documents in camera, or	you may file a motion requesting the cour	t to quash or	
PLACE  □ U.S. Courthouse  □ U.S. Courthouse			
If the document(s) or object(s) are produced in advance of the	inleyville, CA 95519 Oakland, CA 94612  ne date specified, either to the court in an e	DATE AND TIME 45 days from receipt nvelope delivered to	
the clerk's office or to the issuing attorney whose name and The following document(s) or object(s) shall be produced: See Attachment 1	i dadress appears octow, no appearance i	s necessary.	
NOTE: Subpoena forms requiring the appearance of a withdocuments to a criminal proceeding, must use Form CAND production of state law enforcement personnel or complain <i>Enforcement Personnel Or Complaint Records in a Crimin</i> cand.uscourts.gov.	89A, Subpoena to Testify in a Criminal C t records (CAND 89C, Subpoena to Prodi	Case) or for the uce State Law	
U.S. MAGISTRATE JUDGE OR CLERK OF COURT	DATE		
(By) Deputy Clerk			
ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:			

Gary S. Lincenberg; Bird Marella Boxer Wolpert Nessim Drooks Lincenberg & Rhow PC; 1875 Century Park East,

23rd Floor, Los Angeles, CA 90067-2561; (310) 201-2100; glincenberg@birdmarella.com

### Case 3:18-cr-00577-CRB Document 94-1 Filed 11/29/21 Page 13 of 47

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

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#### Case 3:18-cr-00577-CRB Document 94-1 Filed 11/29/21 Page 14 of 47

#### **ATTACHMENT 1**

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- 1. Written communications from March 1, 2009 through December 31, 2010, including but not limited to emails, text messages, and messages on chat applications and/or social media platforms, relating to Autonomy Corporation PLC ("Autonomy") and/or Stephen Chamberlain, between you and (a) Reena Prasad, (b) Matthew Stephan, (c) Percy Tejeda, and/or (d) Brent Hogenson.
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- 4. Any personal notes, memoranda, journal entries, or other documents in your possession, custody or control concerning Stephen Chamberlain.

310-201-2100

## UNITED STATES DISTRICT COURT

### NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,		SUBPOENA TO PRODUCE			
	Plaintiff,		DOCUMENTS OF IN A CRIMINA		
v.			Case No.: 3:18-	cr-00577-CR	
STEPHEN K. CHAMBER	LAIN				
	Defendant(s).				
TO: Hafeez Bux Daud Kh	an				
YOU ARE COMMANDED to below. If compliance would modify the subpoena, to review	be unreasonable or opp	oressive, yo	ou may file a moti	on requesting the cour	rt to quash or
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		3140 Bo	Socing Ave. leyville, CA 95519	☐ U.S. Courthouse 1301 Clay Street Oakland, CA 94612	DATE AND TIME 45 days from receipt
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The following document(s)	or object(s) shall be pr	oduced:			
All records and communicate Chamberlain, or Dr. Michambard-written notes, reports Daud.Khan@gmail.com), audio recordings.	nel Lynch, including (and drafts thereof),	but not lin emails (ii	nited to, electron acluding emails	ic or hard copy doc sent or received by	uments,
NOTE: Subpoena forms required documents to a criminal proproduction of state law enforms <i>Enforcement Personnel Or Cand.uscourts.gov.</i>	ceeding, must use Forr rement personnel or c	n CAND 8 complaint r	9A, <i>Subpoena to '</i> ecords (CAND 89	Testify in a Criminal ( PC, Subpoena to Prod	Case) or for the uce State Law
U.S. MAGISTRATE JUDGE OR	CLERK OF COURT		DATE		
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ATTORNEY'S NAME, ADDRES	SS AND PHONE NUMBER	₹:			
Gary S. Lincenberg Bird, Marella, Boxer, Woln 1875 Century Park East, 23					

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

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I declare under penalty of perjury under the contained in the Proof of Service is true and Executed on	laws of the United States of America that the foregoing information d correct.
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310-201-2100

## UNITED STATES DISTRICT COURT

### NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,		SUBPOENA TO PRODUCE			
	Plaintiff,		DOCUMENTS OF IN A CRIMINA		
V.			Case No.: 3:18-	cr-00577-CR	
STEPHEN K. CHAMBER	LAIN				
	Defendant(s).				
TO: JP Morgan Chase Bar	nk, N.A				
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		3140 Bo	Socing Ave. leyville, CA 95519	☐ U.S. Courthouse 1301 Clay Street Oakland, CA 94612	DATE AND TIME 45 days from receipt
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The following document(s)	or object(s) shall be pro	oduced:			
All communications and dorelating to Autonomy, Mr. messages or transcripts, em Daud.Khan@JPMResearch DKHAN5@Bloomberg.ne	Stephen Chamberlain ails (including from mail.com), instant m	n, or Dr. I daud.kha nessages,	Michael Lynch, in@cazenove.com Bloomberg com	including but not lin m, Daud.Khan@jpm munications (includ	nited to chat norgan.com and ing from
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Gary S. Lincenberg Bird, Marella, Boxer, Wolf 1875 Century Park East, 23				·	

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

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## UNITED STATES DISTRICT COURT

### NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	SUBPOENA TO PRODUCE		
Plaintiff,	DOCUMENTS OR OBJECTS IN A CRIMINAL CASE		
v.	Case No.: 3:18-cr-00577-CR		
STEPHEN K. CHAMBERLAIN			
Defendant(s).			
TO: Joh. Berenberg, Gossler & Co. KG			
YOU ARE COMMANDED to produce at the place, date, and below. If compliance would be unreasonable or oppressive, you modify the subpoena, to review the documents in camera, or to	ou may file a motion requesting the cour	t to quash or	
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	leyville, CA 95519 Oakland, CA 94612	DATE AND TIME 45 days from receipt	
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The following document(s) or object(s) shall be produced:			
All communications and documents, in hard copy or electrelating to Autonomy, Mr. Stephen Chamberlain, or Dr. I messages or transcripts, emails, text messages, Bloomberhand-written notes, and reports (or drafts thereof).	Michael Lynch, including but not lim	nited to chat	
NOTE: Subpoena forms requiring the appearance of a witnes documents to a criminal proceeding, must use Form CAND 8 production of state law enforcement personnel or complaint a Enforcement Personnel Or Complaint Records in a Criminal cand.uscourts.gov.	89A, Subpoena to Testify in a Criminal Crecords (CAND 89C, Subpoena to Produ	Case) or for the uce State Law	
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ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:	1		
Gary S. Lincenberg Bird, Marella, Boxer, Wolpert, Nessim, Drooks, Lincenb 1875 Century Park East, 23rd Floor, Los Angeles, CA 9 310-201-2100	2		

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

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## UNITED STATES DISTRICT COURT

### NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	DOCUMENTS OR OBJECTS
Plaintiff,	IN A CRIMINAL CASE
V.	Case No.: 3:18-cr-00577-CR
STEPHEN K. CHAMBERLAIN	
Defendant(s).	
TO: Paul Gilmer Morland	
below. If compliance would be unreasonable or	ce, date, and time specified the document(s) or object(s) indicated oppressive, you may file a motion requesting the court to quash or camera, or to permit production only pursuant to a protective order.
PLACE  ✓ U.S. Courthouse  □ U.S. Courthouse	☐ U.S. Courthouse ☐ U.S. Courthouse ☐ COURTROOM/JUDGE 6/Breyer
450 Golden Gate Ave. 280 South First St. San Francisco, CA 94102 San Jose, CA 9511	DATE AND HIME
	dvance of the date specified, either to the court in an envelope delivered to se name and address appears below, no appearance is necessary.
The following document(s) or object(s) shall be	produced:
Chamberlain, or Dr. Michael Lynch, includir	ssion of Paul Morland relating to Autonomy, Mr. Stephen ag but not limited to, electronic or hard copy documents, of), emails, chat messages, text messages, social media account dings.
documents to a criminal proceeding, must use F production of state law enforcement personnel of	the of a witness to testify at a criminal proceeding or to testify and bring from CAND 89A, Subpoena to Testify in a Criminal Case) or for the for complaint records (CAND 89C, Subpoena to Produce State Law in a Criminal Case) are available at the Court's website:
U.S. MAGISTRATE JUDGE OR CLERK OF COURT	DATE
(By) Deputy Clerk	
ATTORNEY'S NAME, ADDRESS AND PHONE NUMI	BER:
Gary S. Lincenberg Bird, Marella, Boxer, Wolpert, Nessim, Droc 187s5 Century Park East, 23rd Floor, Los Ar 310-201-2100	,

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

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310-201-2100

## UNITED STATES DISTRICT COURT

### NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	SUBPOENA TO PRODUCE		
Plaintiff,	DOCUMENTS OR OBJECTS IN A CRIMINAL CASE		
v.	Case No.: 3:18-cr-00577-CR		
STEPHEN K. CHAMBERLAIN			
Defendant(s).			
TO: Northland Capital Partners Limited (previously know	wn as Astaire Securities)		
YOU ARE COMMANDED to produce at the place, date, and to below. If compliance would be unreasonable or oppressive, you modify the subpoena, to review the documents in camera, or to	ou may file a motion requesting the court to quash or		
PLACE	COURTROOM/JUDGE		
	urthouse U.S. Courthouse 6/Breyer peing Ave. 1301 Clay Street peyville, CA 95519 Oakland, CA 94612 Oakland, CA 94612		
If the document(s) or object(s) are produced in advance of the the clerk's office or to the issuing attorney whose name and a	date specified, either to the court in an envelope delivered to		
The following document(s) or object(s) shall be produced:			
All communications and documents, in hard copy or elect messages, texts, emails, voicemails, hand-written notes, re generated by or sent to Paul Morland, relating to Autonor	eports (including drafts thereof), or audio recordings,		
NOTE: Subpoena forms requiring the appearance of a witness documents to a criminal proceeding, must use Form CAND 8 production of state law enforcement personnel or complaint re Enforcement Personnel Or Complaint Records in a Criminal cand.uscourts.gov.	9A, Subpoena to Testify in a Criminal Case) or for the ecords (CAND 89C, Subpoena to Produce State Law		
U.S. MAGISTRATE JUDGE OR CLERK OF COURT	DATE		
(By) Deputy Clerk			
ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:			
Gary S. Lincenberg Bird, Marella, Boxer, Wolpert, Nessim, Drooks, Lincenberg 1875 Century Park East, 23rd Floor, Los Angeles, CA 90			

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

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I declare under contained in th	r penalty of perjury under the laws of ne Proof of Service is true and correct.	the United States of America that the foregoing information
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## UNITED STATES DISTRICT COURT

### NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	SUBPOENA TO PRODUCE		
Plaintiff,	DOCUMENTS OR OBJECTS IN A CRIMINAL CASE		
v.	Case No.: 3:18-cr-00577-CR		
STEPHEN K. CHAMBERLAIN			
Defendant(s).			
TO: Peel Hunt LLP			
YOU ARE COMMANDED to produce at the place, date, and below. If compliance would be unreasonable or oppressive, y modify the subpoena, to review the documents in camera, or t	ou may file a motion requesting the cour	t to quash or	
	oeing Ave. 1301 Clay Street	COURTROOM/JUDGE 6/Breyer DATE AND TIME	
	of the date specified, either to the court in an envelope delivered		
The following document(s) or object(s) shall be produced:			
All communications and documents, in hard copy or electrelating to Autonomy, Mr. Stephen Chamberlain, or Dr. messages or transcripts, emails, instant messages, texts, reports (or drafts thereof).	Michael Lynch, including but not lim	nited to chat	
NOTE: Subpoena forms requiring the appearance of a witness documents to a criminal proceeding, must use Form CAND 8 production of state law enforcement personnel or complaint Enforcement Personnel Or Complaint Records in a Criminal cand.uscourts.gov.	89A, Subpoena to Testify in a Criminal Crecords (CAND 89C, Subpoena to Produ	Case) or for the uce State Law	
U.S. MAGISTRATE JUDGE OR CLERK OF COURT	DATE		
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ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:	<u> </u>		
Gary S. Lincenberg Bird, Marella, Boxer, Wolpert, Nessim, Drooks, Lincenb 1875 Century Park East, 23rd Floor, Los Angeles, CA 9 310-201-2100			

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

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Case 3:18-cr-00577-CRB Document 94-1 Filed 11/29/21 Page 34 of 47

[PROPOSED] LETTER ROGATORY (DAUD KHAN)

Case No. 3:18-cr-00577-CRB

3763869.1

The Honorable Charles R. Breyer, United States District Court Judge of the United States District Court for the Northern District of California, presents his compliments to the UK Central Authority, International Criminality Unit, Home Office and requests international assistance, pursuant to the Mutual Legal Assistance Treaty between the United States and the United Kingdom of Great Britain and Northern Ireland, to obtain evidence to be used in a criminal proceeding before this Court in the above-captioned matter.

This Court requests the assistance described herein as necessary in the interests of justice and for the purpose of a full and fair trial. The assistance requested is that the UK Central Authority compel Hafeez Bux Daud Khan to produce the documents identified below.

### I. FACTUAL BACKGROUND

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This request relates to a criminal case brought against Stephen Chamberlain by the United States of America in the Northern District of California. The Second Superseding Indictment ("SI") alleges that Mr. Chamberlain, Dr. Michael Lynch, and others defrauded purchasers and sellers of Autonomy securities, including, specifically, Hewlett-Packard Company ("HP") in connection with its purchase of Autonomy Corporation plc ("Autonomy") in August 2011. Mr. Chamberlain is charged with, inter alia, wire and securities fraud, and conspiracy to commit the same, in violation of 18 U.S.C. §§ 1343, 1348, and 1349. He is also separately charged with a multi-object conspiracy to conceal the alleged fraud, in violation of 18 U.S.C. § 371. The case against Mr. Chamberlain is in pretrial proceedings at present. This Letter Rogatory stems from a request by counsel for Mr. Chamberlain for materials which this Court has found are relevant and material for his defense at trial and requested in the interests of justice. The charges against Mr. Chamberlain rely in part on the testimony of Mr. Khan, a former securities analyst who covered Autonomy, and who has previously testified in related proceedings, including United States v. Hussain, No. CR 16-462 CRB (Northern District of California), and

1 Autonomy Corp. Ltd. v. Lynch, Claim No. HC-2015-001324 (High Court of Justice, 2 Chancery Division, London, U.K.). Mr. Khan has testified that Autonomy's senior 3 management misled him and other market participants regarding Autonomy's 4 finances and products. The SI alleges that analysts such as Mr. Khan relied on 5 Autonomy's financial statements that Mr. Chamberlain helped to prepare, and that 6 Mr. Chamberlain presented deceptive information regarding Autonomy's (i) 7 revenue from hardware sales; (ii) Original Equipment Manufacturer ("OEM") 8 revenue; and (iii) cost allocation relating to the launch of its new Structured 9 Probabilistic Engine ("SPE") product in Q3 2009, among other things. Mr. Khan has 10 claimed that this inflated financial information led to an inflated share price. 11

The record as of now is materially incomplete, as Mr. Chamberlain currently has access to only a limited set of Mr. Khan's relevant communications. As such, it will be critical for Mr. Chamberlain to receive additional evidence from Mr. Khan in order establish that, contrary to Mr. Khan's testimony, he was not deceived and that there was no fraudulent scheme.

#### RECIPROCITY II.

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The United States District Court for the Northern District of California expresses its willingness to provide similar assistance to authorities of the United Kingdom of Great Britain and Northern Ireland, should the need arise, and to the extent permissible by law.

#### III. REIMBURSEMENT FOR COSTS

The United States District Court for the Northern District of California assures the Central Authority that Mr. Chamberlain stands ready to reimburse the authorities of the United Kingdom of Great Britain and Northern Ireland for any costs incurred in executing the requesting court's letters rogatory.

#### IV. EVIDENCE TO BE OBTAINED

This request is directed to Hafeez Bux Daud Khan's ("Daud Khan"), Flat B, 19 Chetwode Road, London SW17 7RF, for the production of the materials

identified below:

1. All 1

1. All records and communications in the possession, custody, or control of Hafeez Bux Daud Khan relating to Autonomy, Mr. Stephen Chamberlain, or Dr. Michael Lynch, including but not limited to, electronic or hard copy documents, hand-written notes, reports (and drafts thereof), emails (including emails sent or received by Daud.Khan@gmail.com), chat messages, text messages, social media account communications, voicemails and audio recordings.

11 DATED:

Honorable Charles R. Breyer United States District Court Judge Northern District of California 450 Golden Gate Avenue San Francisco, CA 94102 <a href="mailto:crbcrd@cand.uscourts.gov">crbcrd@cand.uscourts.gov</a>

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3763869.1 4 Case No. 3:18-cr-00577-CRB

Case 3:18-cr-00577-CRB Document 94-1 Filed 11/29/21 Page 39 of 47

[PROPOSED] LETTER ROGATORY (PAUL MORLAND)

Case No. 3:18-cr-00577-CRB

3763871.1

The Honorable Charles R. Breyer, United States District Court Judge of the United States District Court for the Northern District of California, presents his compliments to the UK Central Authority, International Criminality Unit, Home Office, and requests international assistance, pursuant to the Mutual Legal Assistance Treaty between the United States and the United Kingdom of Great Britain and Northern Ireland to obtain evidence to be used in a criminal proceeding before this Court in the above-captioned matter.

This Court requests the assistance described herein as necessary in the interests of justice and for the purpose of a full and fair trial. The assistance requested is that the UK Central Authority compel Paul Gilmer Morland to produce the documents identified below.

#### FACTUAL BACKGROUND I.

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This request relates to a criminal case brought against Stephen Chamberlain by the United States of America in the Northern District of California. The Second Superseding Indictment ("SI") alleges that Mr. Chamberlain, Dr. Michael Lynch, and others defrauded purchasers and sellers of Autonomy securities, including, specifically, Hewlett-Packard Company ("HP") in connection with its purchase of Autonomy Corporation plc ("Autonomy") in August 2011. Mr. Chamberlain is charged with, inter alia, wire and securities fraud, and conspiracy to commit the same, in violation of 18 U.S.C. §§ 1343, 1348, and 1349. He is also separately charged with a multi-object conspiracy to conceal the Alleged fraud, in violation of 18 U.S.C. § 371. The case against Mr. Chamberlain is in pretrial proceedings at present. This Letter Rogatory stems from a request by counsel for Mr. Chamberlain for materials which this Court has found are relevant and material for his defense at trial and requested in the interests of justice.

The charges against Mr. Chamberlain rely in part on the testimony of Mr. Morland, a former securities analyst who covered Autonomy, and who has previously testified in related proceedings, including United States v. Hussain, No.

1 CR 16-462 CRB (Northern District of California), and Autonomy Corp. Ltd. v. Lynch, Claim No. HC-2015-001324 (High Court of Justice, Chancery Division, 2 3 London, U.K.). Mr. Morland has testified that Autonomy's senior management 4 misled him and other market participants regarding Autonomy's finances and 5 products. The SI alleges that analysts such as Mr. Morland relied on Autonomy's 6 financial statements that Mr. Chamberlain helped to prepare, and that Mr. 7 Chamberlain presented 1 deceptive information regarding Autonomy's (i) revenue 8 from hardware sales; (ii) Original Equipment Manufacturer ("OEM") revenue; and 9 (iii) cost allocation relating to the launch of its new Structured Probabilistic Engine 10 ("SPE") product in Q3 2009, among other things. Mr. Morland has claimed that this 11 inflated financial information led to an inflated share price. 12 The record as of now is materially incomplete, as Mr. Chamberlain currently 13

has access to only a limited set of Mr. Morland's relevant communications. As such, it will be critical for Mr. Chamberlain to receive additional evidence from Mr. Morland in order to establish that, contrary to Mr. Morland's testimony, he was not deceived and that there was no fraudulent scheme.

### II. RECIPROCITY

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The United States District Court for the Northern District of California expresses its willingness to provide similar assistance to authorities of the United Kingdom of Great Britain and Northern Ireland, should the need arise, and to the extent permissible by law.

### III. REIMBURSEMENT FOR COSTS

The United States District Court for the Northern District of California assures the UK Central Authority that Mr. Chamberlain stands ready to reimburse the authorities of the United Kingdom of Great Britain and Northern Ireland for any costs incurred in executing the requesting court's letters rogatory.

### IV. EVIDENCE TO BE OBTAINED

This request is directed to Paul Gilmer Morland ("Paul Morland"), c/o

1	Alvarium Capital, 1st Floor, 10 Old Burlingto	n Street, London, W1S 3AG, for the
2	production of the documents identified below:	
3	1. All records and communications	in the possession, custody, or control
4	of Paul Morland relating to Autonomy, Mr. St	ephen Chamberlain, or Dr. Michael
5	Lynch, including but not limited to, electronic	or hard copy documents, hand-written
6	notes, reports (and drafts thereof), emails, cha	t messages, text messages, social
7	media account communications, voicemails ar	nd audio recordings.
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9		
10	DATED:	
11		Honorable Charles R. Breyer
12		United States District Court Judge Northern District of California
13		450 Golden Gate Avenue
14		San Francisco, CA 94102
		crbcrd@cand.uscourts.gov
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[PROPOSED] LETTER ROGATORY (NORTHLAND CAPITAL PARTNERS)

Case No. 3:18-cr-00577-CRB

3763882.1

Case 3:18-cr-00577-CRB Document 94-1 Filed 11/29/21 Page 44 of 47

The Honorable Charles R. Breyer, United States District Court Judge of the United States District Court for the Northern District of California, presents his compliments to the UK Central Authority, International Criminality Unit, Home Office and requests international assistance, pursuant to the Mutual Legal Assistance Treaty between the United States and the United Kingdom of Great Britain and Northern Ireland, to obtain evidence to be used in a criminal proceeding before this Court in the above-captioned matter.

This Court requests the assistance described herein as necessary in the interests of justice and for the purpose of a full and fair trial. The assistance requested is that the UK Central Authority compel Northland Capital Partners Limited (formerly Astaire Securities) to produce the materials identified below.

#### FACTUAL BACKGROUND I.

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This request relates to a criminal case brought against Stephen Chamberlain by the United States of America in the Northern District of California. The Second Superseding Indictment ("SI") alleges that Mr. Chamberlain, Dr. Michael Lynch, and others defrauded purchasers and sellers of Autonomy securities, including, specifically, Hewlett-Packard Company ("HP") in connection with its purchase of Autonomy Corporation plc ("Autonomy") in August 2011. Mr. Chamberlain is charged with, inter alia, wire and securities fraud, and conspiracy to commit the same, in violation of 18 U.S.C. §§ 1343, 1348, and 1349. He is also separately charged with a multi-object conspiracy to conceal the alleged fraud, in violation of 18 U.S.C. § 371. The case against Mr. Chamberlain is in pretrial proceedings at present. This Letter Rogatory stems from a request by counsel for Mr. Chamberlain for materials which this Court has found are relevant and material for his defense at trial and requested in the interests of justice.

The charges against Mr. Chamberlain rely in part on the testimony of Mr. Morland, a former securities analyst who covered Autonomy, and who has previously testified in related proceedings, including *United States v. Hussain*, No.

3763882.1 Case No. 3:18-cr-00577-CRB [PROPOSED] LETTER ROGATORY (NORTHLAND CAPITAL PARTNERS)

1 CR 16-462 CRB (Northern District of California), and Autonomy Corp. Ltd. v. Lynch, Claim No. HC-2015-001324 (High Court of Justice, Chancery Division, 2 3 London, U.K.). Mr. Morland has testified that Autonomy's senior management 4 misled him and other market participants regarding Autonomy's finances and 5 products. The SI alleges that analysts such as Mr. Morland relied on Autonomy's financial statements that Mr. Chamberlain helped to prepare, and that Mr. 6 7 Chamberlain presented deceptive information regarding Autonomy's (i) revenue 8 from hardware sales; (ii) Original Equipment Manufacturer ("OEM") revenue; and 9 (iii) cost allocation relating to the launch of its new Structured Probabilistic Engine 10 ("SPE") product in Q3 2009, among other things. Mr. Morland has claimed that this 11 inflated financial information led to an inflated share price. 12 The record as of now is materially incomplete, as Mr. Chamberlain currently

has access to only a limited set of Mr. Morland's relevant communications. As such, it will be critical for Mr. Chamberlain to receive additional evidence from Mr. Morland in order to establish that, contrary to Mr. Morland's testimony, he was not deceived and that there was no fraudulent scheme.

### II. RECIPROCITY

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The United States District Court for the Northern District of California expresses its willingness to provide similar assistance to authorities of the United Kingdom of Great Britain and Northern Ireland, should the need arise, and to the extent permissible by law.

### III. REIMBURSEMENT FOR COSTS

The United States District Court for the Northern District of California assures the UK Central Authority that Mr. Chamberlain stands ready to reimburse the authorities of the United Kingdom of Great Britain and Northern Ireland for any costs incurred in executing the requesting court's letters rogatory.

### IV. EVIDENCE TO BE OBTAINED

Mr. Morland worked at Astaire Securities from July 2008 through October

1	2010, and reported on and communicated about Autonomy throughout his period of
2	employment. Therefore, Mr. Morland's communications and documents from this
3	period will be relevant to his coverage of Autonomy and to whether or not he was
4	deceived.
5	This request is directed to Northland Capital Partners Limited (formerly
6	Astaire Securities), Prince Fredrick House, 35-39 Maddox Street, London W1S 2PP,
7	for the production of the materials identified below:
8	1. All communications and documents, in hard copy or electronic form,
9	including but not limited to instant messages, texts, emails, voicemails, hand-written
10	notes, reports (including drafts thereof), or audio recordings, generated by or sent to
11	Paul Morland, relating to Autonomy, Mr. Stephen Chamberlain, or Dr. Michael
12	Lynch.
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17	DATED:
18	Honorable Charles R. Breyer
19	United States District Court Judge
	Northern District of California 450 Golden Gate Avenue
20	San Francisco, CA 94102
21	crbcrd@cand.uscourts.gov
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